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10/774,633	02/10/2004	Hiroaki Maehara	118611	9481

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EXAMINER	
LAI, ANNE VIET NGA	
ART UNIT	**PAPER NUMBER**
2612	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/774,633	MAEHARA, HIROAKI	
	Examiner	Art Unit	
	Anne V. Lai	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) *9 and 21-23* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10-20 and 24* is/are rejected.

7)☒ Claim(s) *20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 September 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 20 is objected to because of the following informalities:

In claim 20, "An anti-theft program for having a computer executed" should be change to - - An anti-theft program for having a computer executed program on a computer readable medium, comprising: --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, 12-13, 17-18, 19-20, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsubara (previously provided) in view of Roest [US. 6,148,669].

In claims 1-2 and 24, Matsubara discloses a same detecting unit that can be used for inclination angle detection and automobile theft detection (col. 1, l. 8-22; col. 2, l. 25-33), comprising:

an acceleration sensor (col. 1, l. 17-22);

a switching unit to switch the sensitivity of the acceleration sensor to a first or a second sensitivity based on each mode of operation (col. 1, l. 61- col. 2, l. 10, l. 47-52); and

a theft judgment unit for judging whether or not the vehicle is in a theft state on the basis of the detection result of the acceleration detection unit, which was switched to the second detection sensitivity by the sensitivity switching unit (col. 2, l. 53-54);

wherein the automobile theft detection apparatus of Matsubara has two constructions each comprising the acceleration sensor, the switching unit and the detection unit to detect inclination in both a width direction (side) and a longitudinal direction (front/rear) (claim 14).

Matsubara does not specify the acceleration sensor is disposed on an air bag ECU. Roest teaches an acceleration sensor that can be used for theft detection of a product by attaching the sensor on the product of choice (col. 1, l. 32-33), and the same acceleration sensor can be used for air bags shock sensing (col. 9, l. 8). Based on the teaching of Roest, it would have been obvious to one of ordinary skill in the art at the time the invention was made the antitheft apparatus of Matsubara can be placed at any place in the vehicle as designer choice; and the use of a same detecting unit operated in more than one mode is obviously for economical reason.

In claim 3, Matsubara discloses the anti-theft apparatus can judge that the vehicle is in the theft state in case that the acceleration which was detected by

any one (claim 8) of acceleration detection units out of the plurality of acceleration detection units (claim 14) exceeds a predetermined threshold value.

In claim 4, Matsubara discloses the anti-theft apparatus can detect inclination in a width direction and in a longitudinal direction (claim 14); it would have been obvious the detection of any suspicious activity in any direction would be judge as of theft activity based on design set up.

In claim 5, Matsubara discloses theft judgment is based on inclination of the vehicle (abstract).

In claims 12-13, Matsubara discloses noise elimination by using an offset compensation circuit periodically integrating the detected result of the acceleration detection unit (col. 2, l. 39-54; fig. 2) and a cutoff frequency low-pass-filter (col. 2, l. 65-68).

In claims 17-18, Matsubara discloses monitoring a state of the vehicle and start switching the sensitivity of the sensor for detecting theft (key lock switch, door lock switch, jack up start; figs. 13 and 14a).

In claim 19, Matsubara combined discloses a method of using the system of claim 1.

In claim 20, Matsubara discloses a computer executed antitheft program on a computer readable medium as claimed (microcomputer, fig. 12; fig. 14a-c).

4. Claims 6-8, 10-11 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsubara and Roest in view of Hasegawa (previously provided).

In claim 6, Matsubara combined omits vibration sensing; Hasegawa teaches vibration and inclination sensors are elements of acceleration sensor of an antitheft apparatus (64, fig. 2; abstract). In view of Hasegawa teaching, it would have been obvious the acceleration detecting unit of Matsubara combined can have both vibration and inclination sensors as designer choice to provide more accuracy of the anti-theft device.

In claim 7, Roest teaches the acceleration sensor can be mounted on any product or at any position on a vehicle therefore mounting the detection unit at an outer edge of the vehicle would be a design choice.

In claim 8, although the different in sensitivity of the sensors are not disclosed, however when the vehicle is being jacked in one side (e.g., tire theft), it would have been obvious for an ordinary skill in the art, the travel distance of the outer part at that side is longer than the travel distance of the center part of the vehicle therefore the sensitivity of the sensor at the central must be set higher than the one at outer part to provide accuracy to the sensing operation.

In claims 10-11, Matsubara discloses the use of a low-pass-filter to cutoff noise frequency (col. 2, l. 65-68).

In claim 14, Hasegawa teaches a battery supplying power to an ECU containing the acceleration detection unit; and the acceleration detection unit includes a power control unit for controlling the power supply only to the acceleration detection unit for detecting the theft state (figs. 12a-12b; [0104]-[0110]).

In claim 15, Matsubara teaches intermittent supply power to the sensor to reduce power dissipation (S3, figs. 10-12; col. 6, line 66- col. 7, line 53).

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsubara, Roest and Hasegawa in view of Okada (previously provided).

In claim 16, Matsubara combined does not specifically disclose stop supply power when battery is low in voltage; Okada teaches using a switch halting supply power to a detector when battery is low in voltage to minimizing drainage of the battery (fig. 19; col. 15, lines 12-45); It would have been obvious stop supplying power when the battery is low in voltage avoid battery drainage, therefore saving a battery life.

Response to Arguments

6. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, 1) both Matsubara and Roest disclose an acceleration sensor can be used for vehicle theft detection and other acceleration detection in non-theft detection mode, and motivation for use a device in different mode is obviously for economical reason as state in the office action, 2)

Matsubara discloses for successfully using a same sensor for both modes, one would have to switch the sensitivity of the sensor.

7. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

8. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 9:00 am to 6:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

JEFFERY HOFSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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